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| 1) Examiner Cynthia Collins | U.S. Patent and Trademark Office | (703) 746-5032 | (703) 605-1210 |
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| From: Andrew K. Gonsalves | Date: October 7, 2003 | No. of Pages: 12 (including this page) | 57953/1180 |
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Comments:

U.S. Serial No. 09/578,827

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October 7, 2003

VIA FACSIMILE

Cynthia E. Collins
Examiner
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/578,827, filed May 24, 2000 for
SHORT-ROOT GENE, PROMOTER, AND USES THEREOF
Inventors: Benfey et al.
Docket No.: 57953/1180

Dear Examiner Collins:

As you requested, enclosed please find the following documents relating to the above-identified case: (1) Amendment Under 37 C.F.R. § 1.116 (the "Final Amendment"), filed May 27, 2003; (2) transmittal form for the Final Amendment; (3) copy of the self-addressed postcard submitted with the Final Amendment; and (4) copy of the returned, self-addressed postcard, indicating receipt of the Final Amendment by the U.S. Patent and Trademark Office on May 29, 2003.

We look forward to hearing from you soon regarding this matter. Please call me at (585) 263-1658 if you have any questions or need further information.

Very truly yours,

Andrew K. Gonsalves
Registration No. 48,145

AKG/jaw
Enclosures

R718394.1

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UTILITY/DESIGN PATENT Date: 5/27/03
 (amend/final amend) Date of O.A.: 9/27/02
 Rec'd in the U.S. Patent & Trademark Office on the date stamped hereon
 via Certificate of Mail
 Case # 57953/1180 S/N: 09/578, 827 Filed: May 24, 2000
 Pat. # Issued:
 Examiner: C. Collins Art Unit: 1638
 Hatch: Atty: A. Goncalves
 Applicant: Bentley et al.
 Title: SHORT-ROOT GENE, PROMOTER, AND USES THEREOF
 Re-Exam Control #
 VERIFIED BY: Asst: JALO IP Quality Control:

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| <input checked="" type="checkbox"/> Transmittal Sheet in duplicate | <input checked="" type="checkbox"/> Amendment in <u>6</u> pgs. + Appendix A |
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| <input type="checkbox"/> Request for Drawing Changes <u>MAY 29 2003</u> | <input checked="" type="checkbox"/> Small Entity Statement |
| <input type="checkbox"/> pg ^s . <u>1</u> Drawings | <input type="checkbox"/> Assignment in _____ pgs. |
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UTILITY/DESIGN PATENT

(amend/final amend) Date: 5/27/03
 Rec'd in the U.S. Patent & Trademark Office on the date stamped hereon
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 Pat. # _____ Issued: _____
 Examiner: C. Collins Art Unit: 1638
 Batch: _____ Atty: A. Gonsalves
 Applicant: Bentley et al.
 Title: SHHOT-ROB GENE, PROMOTER, AND USES THEREOF
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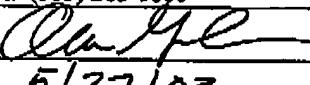
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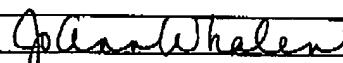


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| | | | |
|--|---|------------------------|------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 09/578,827 |
| | | Filing Date | May 24, 2000 |
| | | First Named Inventor | Philip N. Benfey |
| | | Group Art Unit | 1638 |
| | | Examiner Name | C. Collins |
| Total Number of Pages in This Submission | 8 | Attorney Docket Number | 57953/1180 |

| ENCLOSURES (check all that apply) | | | |
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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Other Enclosure(s) (please identify below): | |
| | | Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number. | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual name | Andrew K. Gonsalves Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1658 Fax: (585) 263-1600 |
| Signature |  Reg. No. 48,145 |
| Date | 5/27/03 |

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